

Remarks

Claim Objections

Applicants are strongly opposed to the phrase "an user" and respectfully submits that both normal American English usage, and USPTO precedent, illustrates that "a user" is a more acceptable phrase. The word "user" has a consonant sound beginning (it is pronounced "yoo-zer" not "oo-zer") and for this reason the indefinite article "a" is appropriate.

As regards the word "sessions" in line 5 of claim 1, the suggested amendment has been made, and the careful attention of the Examiner is appreciated.

Claim Rejections – 35 USC § 103

The Examiner rejects claims 1-4, 7-11, 27-31, 33-36, 44-47 and 50-53 as being unpatentable over Schuster et al. in view of Scott et al. This is respectfully traversed for the following reasons.

Claims 1, 34 and 50 require:

- that the QoS measurements are made between two points, one of which is an endpoint.
- that this endpoint is a telecommunications device which a user employs to participate in a telecommunications session
- that the dynamic indication of network performance is displayed at this user endpoint during a call.

It is emphasized that the claimed function of the invention is not to provide some sort of "behind the scenes" measurement tool for a network administrator. It is to provide a user, involved in a call from an endpoint, with a dynamic QoS indication (think of the cellular phone signal strength visual indications).

Any combination of references which fails to provide the user (i.e. the person involved in a call), with a dynamic indication of network performance at the endpoint from which the user accesses the call, cannot therefore teach the claimed invention. It is submitted that neither Schuster nor Scott teaches the provision of QoS measurements to a user endpoint.

In the section of the Office Action entitled "Response to Arguments", it is stated that the claimed "telecommunications device" is Scott's gateway server. This entirely ignores the fundamental requirement of claim 1 that the telecommunications device is an "endpoint". Endpoints and routers are of course two entirely different entities.

The gateway server is a router (as the office action itself states at the top of page 17) and is transparent to the user. The user has no access to the gateway server. Indeed most users will have no knowledge that machines such as gateway servers even exist. Displaying QoS measurements at a gateway server, which is a midpoint of the telecommunications session, may be of interest if the purpose is to provide a tool for network administrators, but this is not relevant to the present invention. The invention requires that the information is displayed at the user endpoint, and Scott has no teaching or suggestion of this feature.

While this difference alone fundamentally distinguishes the present "user directed" invention from both of the "network administrator tools" described in the cited art, there are further differences which will be briefly noted.

Claims 1, 34 and 50 require that the indication of the measured network characteristics be "dynamic" and it be provided at the endpoint "during said telecommunications session". The Office Action makes a couple of references to the prior art systems performing "real time measurements". While this may be true (indeed, with transient entities such as IP packets, it is suggested that all measurements are made in real time, as there is no alternative), it does not equate to dynamic indication of the measurements.

Schuster explains that the measurements are made with the purpose of generating reports for use in enforcing service level agreements. This can be done by showing the

percentage deviation which occurred over a given timeframe, or by noting periods of non-compliance with an SLA to generate a report for billing adjustments.

Scott similarly provides a CX management system which does not provide real time display but instead accumulates billing information, statistics, and the like which enable the system administrator to perform accounting functions and to identify opportunities for expanding the network.

There is no disclosure in either document of a dynamic display of QoS parameters while a call is actually in progress. Just because the measurements are made in real time, this does not mean that there is any facility (or indeed any reason) to provide a dynamic display, since the information is being collected for the network owner, not for the user.

The claimed invention specifies transmitting test packets across the network. The Office Action states that "actual VoIP packets, which correspond to the test packets" are transmitted across the network. This supposed correspondence is incorrect. The specification clearly states that "In addition to the voice signal packets, the invention also involves sending a series of test packets" (page 4, lines 22-24). The skilled person would never regard actual voice data packets as being test packets. This feature is therefore not disclosed in Scott.

As regards the claims dependent on claims 1, 34 and 50, it will be recognized that each such claim shares with claim 1, at a minimum, the distinguishing feature discussed above and thus shares patentability with the independent claims.

As regards claims 48 and 49 to a telephone handset, the rejection made by the Examiner assumes that the voice packets of Scott are test packets. It has been demonstrated above that this is not the case.

Reference has been made, in the rejection of claim 48, to a disclosure in Brueckheimer that a dynamical indication of QoS characteristics (on a computer rather than a handset) can be found at lines 10-33, col. 4 and lines 38-44, col. 11. Because Brueckheimer does not include column numbers or line numbers, Applicants have

made a genuine effort to locate the passages which contain the alleged disclosure without success. They have examined page 4, lines 10-33 and also the fourth column (found at page 2), lines 10-33, without noting anything of relevance. Similarly they have looked at lines 38-44 of page 11 and of the 11th column (page 6) without noting anything of relevance.

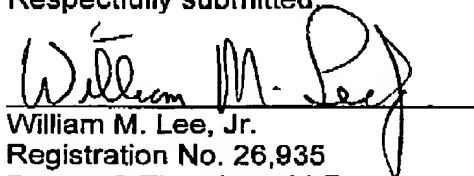
In the event that the rejection of claims 48 and 49 based on Brueckheimer's US Publication 2002/0087370 is to be maintained, it is requested that Applicants be provided with an opportunity to address the rejection when the passages relied on (referenced by paragraph and page number) are identified.

It is submitted in addition that none of Brueckheimer, Schuster or Scott contains any disclosure of a telephone handset (as opposed to a personal computer, workstation or server) providing a dynamic indication to an end user involved in a call, while the call is in progress, of network performance. Accordingly, a telephone handset such as this, not being suggested in any of the documents in isolation, would not be obvious from any combination of all three documents. There is no motivation to provide the network administration tool of Schuster on a handset used by a user as an endpoint, given that the information being collected (which is to ensure compliance with SLAs) is confidential to the network operator and is of no interest whatsoever to the user.

Further and favorable reconsideration is urged.

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Respectfully submitted



William M. Lee, Jr.
Registration No. 26,935
Barnes & Thornburg LLP
P.O. Box 2786
Chicago IL 60690-2786
(312) 214-4800
Facsimile (312) 759-5646

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